

Message

From: Goodin, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: 4/30/2020 7:01:10 PM
To: Santell, Stephanie [Santell.Stephanie@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]; Risley, David [Risley.David@epa.gov]; Bravo, Antonio [Bravo.Antonio@epa.gov]
Subject: FW: FOR REVIEW ASAP

Please delete words in yellow highlight and add those in bold, for 404g and 401 immediately below.
Note for next time that there are already vetted TPs in the Congressional Hearing Fact Sheets we just updated for at least 401.

Thanks
John

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, April 30, 2020 2:48 PM
To: Goodin, John <Goodin.John@epa.gov>
Subject: FOR REVIEW ASAP

John,

These talking points are for the AO, as requested by Mel. Can you please take a look and make any revisions directly to the note below ASAP, thank you. Note two more are coming....

Steph

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Thursday, April 30, 2020 2:43 PM
To: Gordon, Brittney <Gordon.Brittney@epa.gov>; Risley, David <Risley.David@epa.gov>
Cc: Bravo, Antonio <Bravo.Antonio@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: RE: Thank you!!

Steph – Below are my edits to 401. Attached are 404g and Russ is sending me Mit rule and 404c shortly. Please put these in from of John asap. Thanks.

Thanks

TALKING POINTS:404g

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Ex. 5 Deliberative Process (DP)

From: Gordon, Brittney <Gordon.Brittney@epa.gov>
Sent: Thursday, April 30, 2020 2:05 PM

To: Frazer, Brian <Frazer.Brian@epa.gov>; Risley, David <Risley.David@epa.gov>
Cc: Bravo, Antonio <Bravo.Antonio@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: RE: Thank you!!

Hi all,

Please see below for proposed talking points:

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- ## Ex. 5 Deliberative Process (DP)

Thank you,

Brittney Gordon

From: Gordon, Brittney
Sent: Thursday, April 30, 2020 1:24 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Risley, David <Risley.David@epa.gov>
Cc: Bravo, Antonio <Bravo.Antonio@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: RE: Thank you!!

Brian, I will send it back to you in a few minutes for final review.

Thanks,

Brittney

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Thursday, April 30, 2020 1:23 PM
To: Risley, David <Risley.David@epa.gov>
Cc: Bravo, Antonio <Bravo.Antonio@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>
Subject: RE: Thank you!!

OK, but please let me see the bullets. There's some language below that I would have written differently.

Thanks.

bf

From: Risley, David <Risley.David@epa.gov>
Sent: Thursday, April 30, 2020 12:58 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Bravo, Antonio <Bravo.Antonio@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>
Subject: Re: Thank you!!

Thanks Brian! Regarding 401, I think we're good. Lee wants us to use the following. Brittney, can you chop up into TPs?

Ex. 5 Deliberative Process (DP)

EPA issued the proposed rule on August 8, 2019 and received 125,000 public comments.

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cell Ex. 6 Personal Privacy (PP)

On Apr 30, 2020, at 12:56 PM, Frazer, Brian <Frazer.Brian@epa.gov> wrote:

David – I will get back with you before 3 pm.

bf

From: Risley, David <Risley.David@epa.gov>
Sent: Thursday, April 30, 2020 12:21 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Bravo, Antonio <Bravo.Antonio@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>
Subject: FW: Thank you!!
Importance: High

Brian,
Very sorry for the quick-turn request. We need talking points as soon as possible and no later than 3:00 today. Can you and your team provide existing talking points on these topics? I included some that I think may be helpful in the attachment. Please keep any new material short (i.e., no more than 5

bullets) in the event that we don't have something already written and approved. Many thanks for your assistance!

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cell Ex. 6 Personal Privacy (PP)

From: Risley, David
Sent: Thursday, April 30, 2020 12:09 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Thank you!!

Some of this looks useful for this request.

Email with February ERBA talking points for Lee on 404 and 401 (attached).

Desk statement for 401 transmittal to OMB

Statement:

The U.S. Environmental Protection Agency (EPA) transmitted a final rulemaking under Clean Water Act (CWA) Section 401 to the Office of Management and Budget (OMB) for interagency review. OMB received the rule on April 7, 2020. Upon the conclusion of interagency review, EPA intends to issue its final rule to modernize, clarify, and streamline the Agency's CWA Section 401 implementing regulations in a way that promotes greater clarity, transparency, and regulatory certainty for the water quality certification process. This is EPA's next step in complying with President Trump's Promoting Energy Infrastructure and Economic Growth Executive Order.

For more information, see www.epa.gov/cwa-401.

Background

Section 401 of the CWA provides states and authorized tribes with an important tool to help protect water quality within their borders in collaboration with federal agencies. EPA's final rule will update a nearly 50 year old regulation. In addition to EPA's outdated regulations, recent and evolving case law and outdated guidance may have contributed to delays in certain infrastructure projects with potentially significant national benefits.

EPA is finalizing this rule in response to President Trump's Executive Order 13868, "Promoting Energy Infrastructure and Economic Growth." EPA was directed to first rescind its 2010 guidance on the CWA Section 401 certification process and then to propose and finalize new rules to implement CWA Section 401. The Executive Order directs EPA to issue a final rule by May 2020.

EPA issued the proposed rule on August 8, 2019 and received 125,000 public comments.

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cell Ex. 6 Personal Privacy (PP)

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, April 30, 2020 11:36 AM
To: Risley, David <Risley.David@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: FW: Thank you!!

David – This is quick turnaround request. AAW has a call with the National Mining Association tomorrow and is requesting TPs/updates on the below. Is this something you can help with? I am going through my rolodex of TPs to see what I have as well. I'm happy to farm this out to the program offices for assistance if your plate is full. Thanks!

- Groundwater Permitting
- CWA Section 401 State Certification Process
- Compensatory Mitigation
- CWA Section 404(c) Reform
- Powerplant Effluent Limitation Guidelines (ELGs)

From: Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>

Sent: Thursday, April 30, 2020 11:24 AM

To: Mejias, Melissa <mejias.melissa@epa.gov>

Subject: Thank you!!

I really appreciate you looking at this!